

OCT 31 2000



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

October 26, 2000

*L.R. / R. CH -
FYI*

Operations Division

Subject: CENAB-OP-RMS (TERRABROOK COMMUNITIES, LLC/CLARKSBURG TOWN CENTER) 00-02465-13

Mr. Jim Richmond
Terrabrook Communities, L.L.C.
c/o McCarthy and Associates, Inc.
14458 Old Mill Road, #201
Upper Marlboro, Maryland 20772

Dear Mr. Richmond:

I am replying to your letter dated September 18, 2000, and received by the District on September 20, 2000, for Department of the Army (DA) authorization to construct two road crossings in a tributary to Little Seneca Creek near the intersection of Clarksburg Road and Frederick Road, Clarksburg, Montgomery County, Maryland. Road Crossing #1 will impact approximately 190 linear feet of stream bed and Road Crossing #2 will impact approximately 0.21 acre of palustrine forested wetlands and approximately 100 linear feet of stream bed.

This waterway has been determined to be within our regulatory jurisdiction and the proposed activity requires DA authorization pursuant to Section 404 of the Clean Water Act.

Our review of your application indicates that the proposed work, if accomplished in accordance with the enclosed plan(s), is eligible for authorization by the Maryland State Programmatic General Permit (MDSPGP), as published in the Special Public Notice 96-19 issued on June 18, 1996. If any of the information contained in the application and/or plans is later found to be in error, this authorization may be subject to modification, suspension, or revocation.

Enclosed is a list of conditions which must be followed for purposes of the MDSPGP. In addition, you must comply with the following special conditions:

1. To compensate for the loss of 0.21 acre of palustrine forested wetlands, the permittee will construct 0.42 acre of palustrine forested wetlands on the project site.

2. All grading and planting for the compensatory mitigation site shall occur prior to, or concurrent with, the construction of the road crossings.

3. The permittee shall submit a final compensatory mitigation site development plan to this office for approval prior to commencement of construction. The compensatory mitigation site development plan must be done in accordance with Part II of the enclosed compensatory mitigation guidance dated August 1994.

4. The compensatory mitigation shall be done in accordance with the final compensatory mitigation site development plan approved by the Baltimore District.

5. The permittee shall monitor the compensatory mitigation site for a period of no less than five years. Annual monitoring reports shall be submitted to this office. Each annual monitoring report shall include panoramic photographs of the compensatory mitigation site.

6. Within the compensatory mitigation site, there shall be a minimum of 50% survival of planted wetland species after one year and a minimum of 85% survival of planted wetland species after five years. If the compensatory mitigation site does not achieve these standards, the reason(s) for failure shall be determined, corrective measures shall be taken, and the area replanted.

7. The permittee shall obtain a conservation easement for the compensatory mitigation site. The conservation easement shall include prohibitions against any filling, flooding, excavation, tree cutting, construction, alteration of trees, or removal of vegetation from the compensatory mitigation site, unless authorized by the Corps of Engineers or any other Federal agency having the authority to do so. The conservation easement must be recorded in perpetuity in the land records of Montgomery County.

This MDSPGP authorization is valid for three years from the date of this letter, or until May 31, 2001, whichever is sooner, unless the MDSPGP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the MDSPGP. The Corps will issue a public notice announcing the changes when they occur. If you commence or are under contract to commence this activity before the date the MDSPGP is modified or revoked, you will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of your MDSPGP authorization.


This verification does not obviate the need to obtain other Federal, State, or local authorizations.

This information is also being coordinated with MDE and/or the appropriate County Conservation District. Subsequent

correspondence from MDE or the Montgomery County Conservation District may reiterate the contents of this letter.

If you have any questions concerning this matter, please call David Olson of this office at (410) 962-6084.

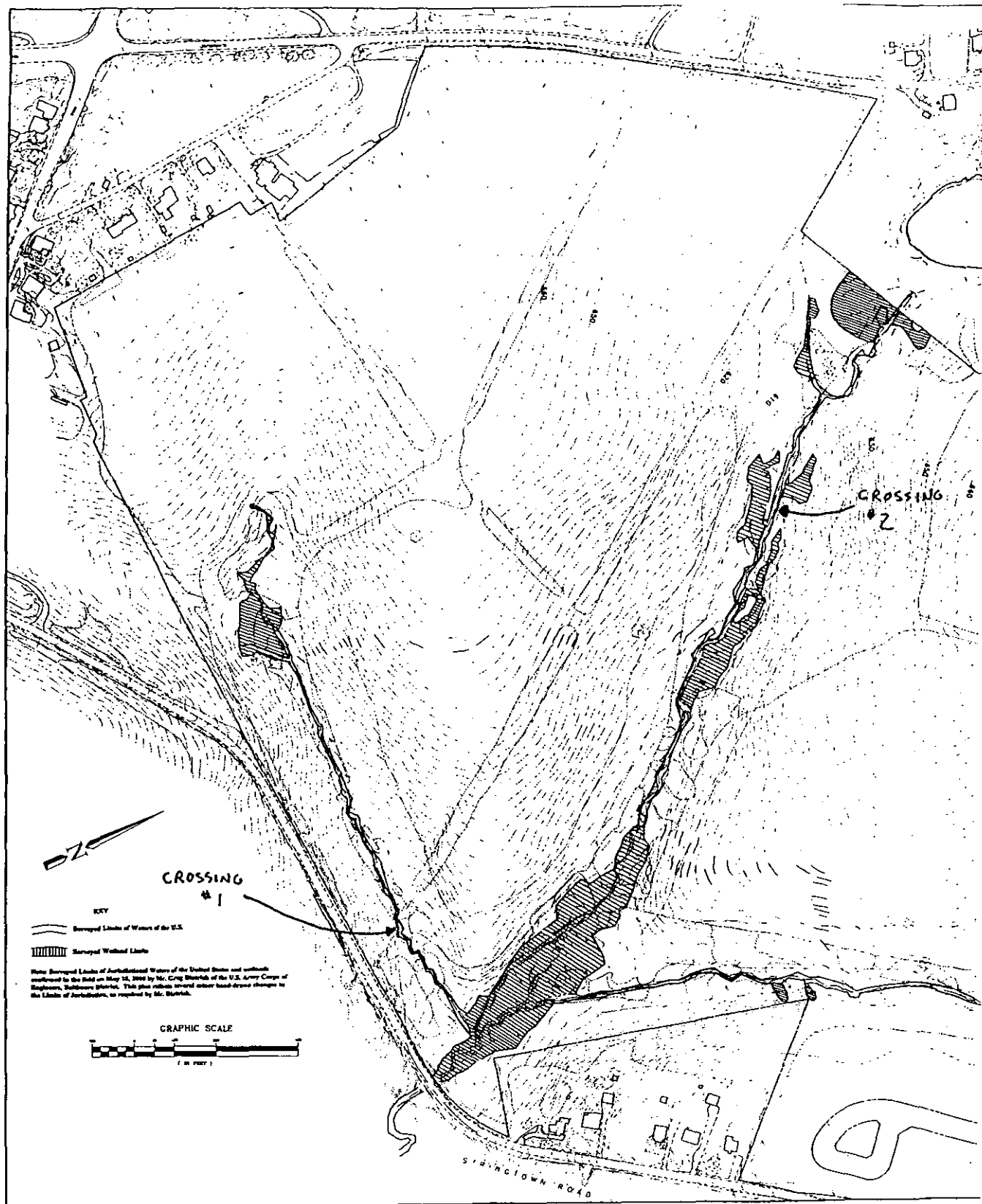
Sincerely,


Walter Washington, Jr.
Chief, Maryland Section Southern

Enclosures

Copy Furnished:

MDE, Non-tidal Wetlands (Baltimore)
✓ Montgomery County Conservation District

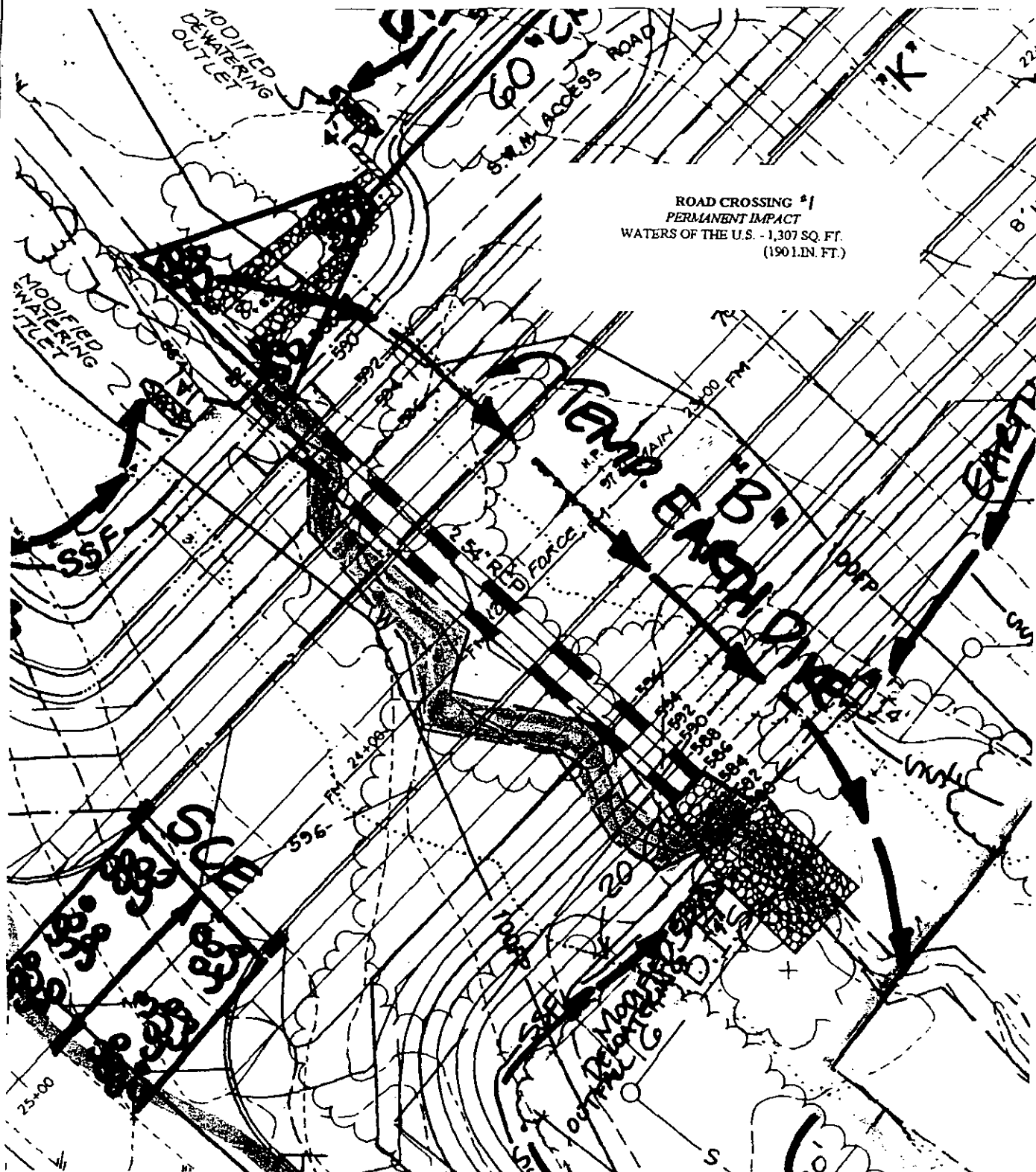


Printed May 23, 2000

Clarksburg Land Association

Tributary to Little Seneca Creek
Clarksburg
Montgomery County
Maryland

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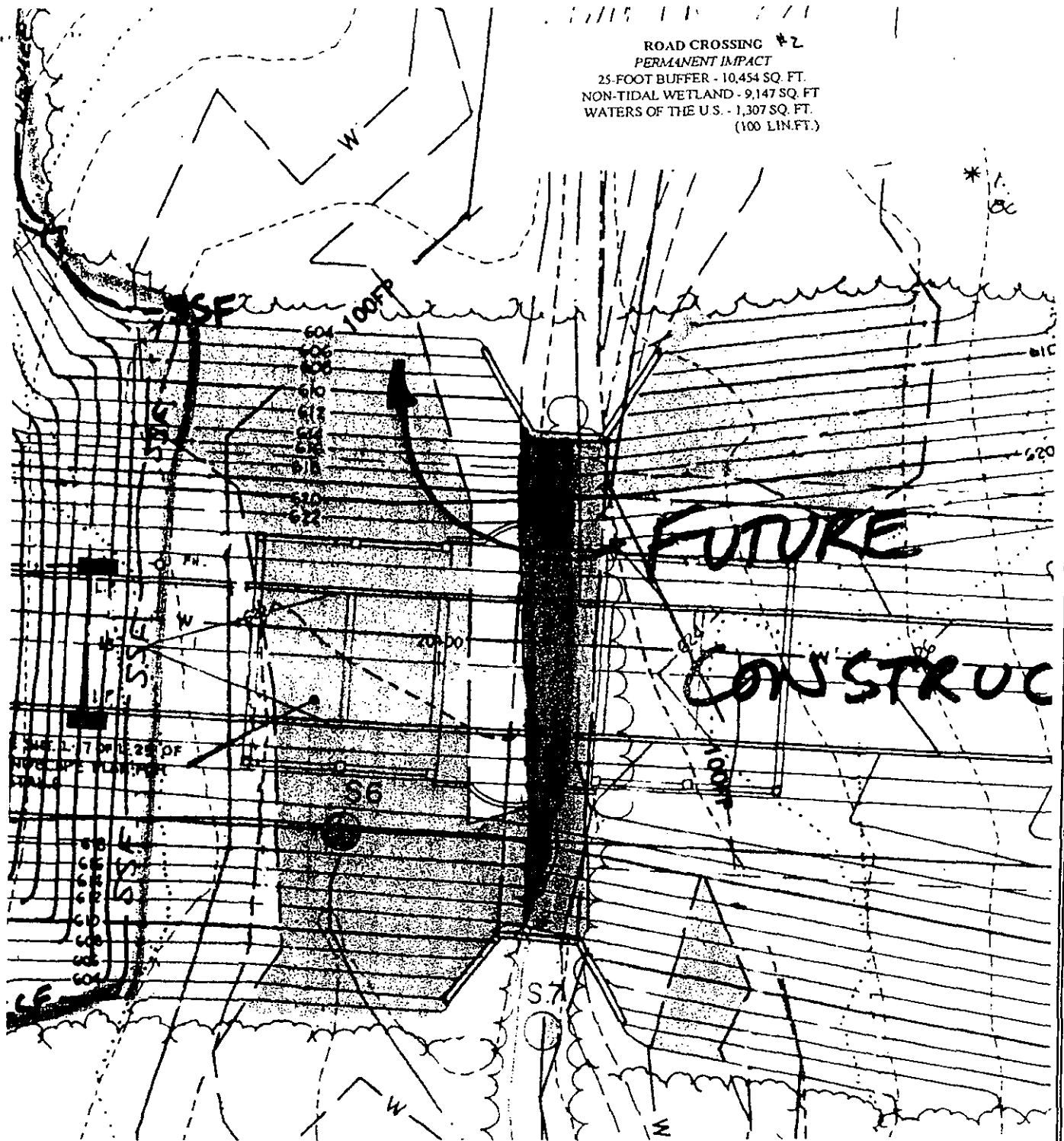
Taken from:
Conceptual Sediment Control Plan
 Sheet 8 of 15
 (Scale: 1" = 30')

Clarksburg Town Center

Montgomery County, Maryland

Permit Application
 Figure 2

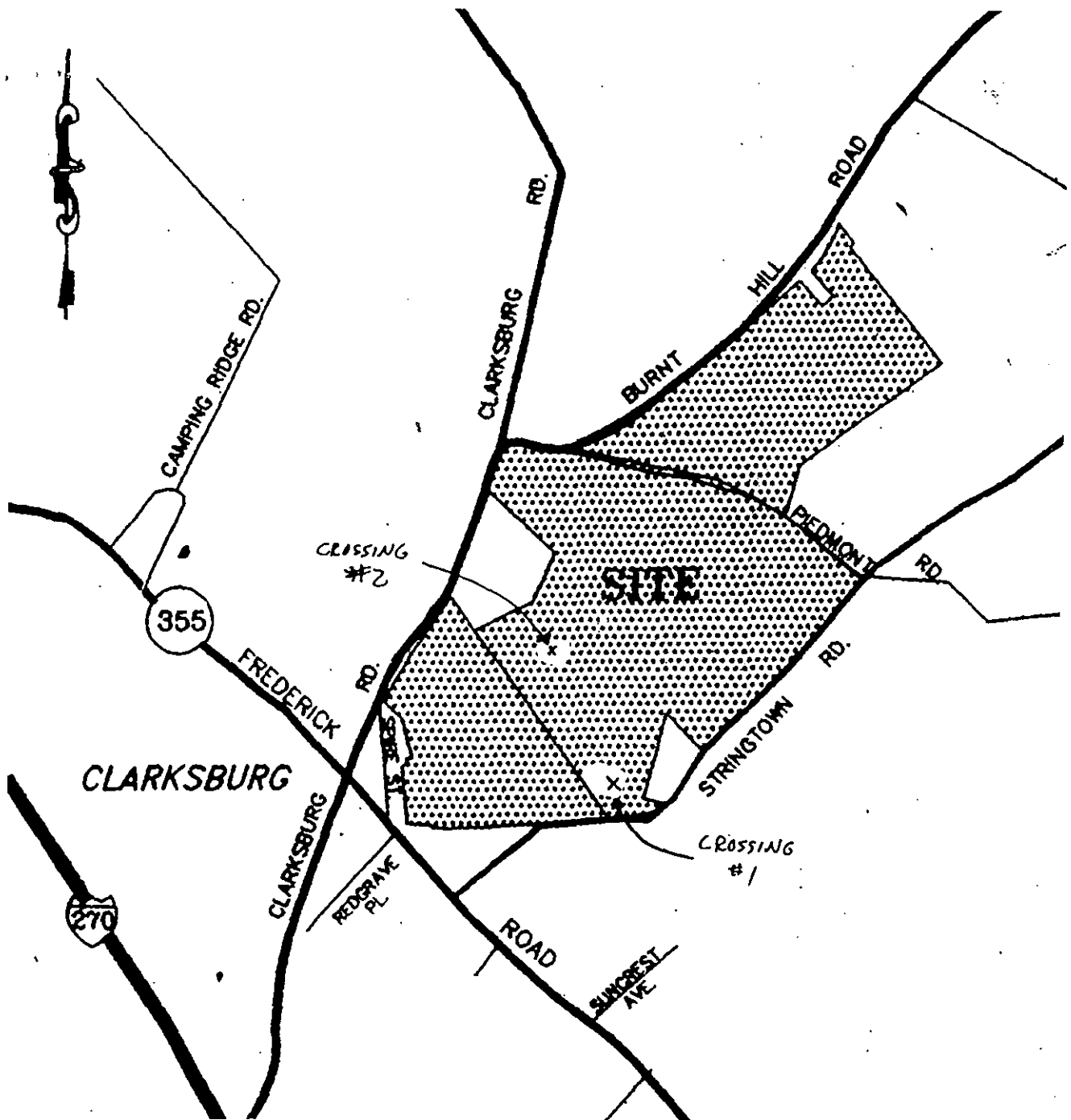
ROAD CROSSING #2
PERMANENT IMPACT
25-FOOT BUFFER - 10,454 SQ. FT.
NON-TIDAL WETLAND - 9,147 SQ. FT.
WATERS OF THE U.S. - 1,307 SQ. FT.
(100 LIN. FT.)



Taken from:
Conceptual Sediment Control Plan
Sheet 6 of 15
(Scale: 1" = 30')

Clarksburg Town Center
Montgomery County, Maryland

Permit Application
Figure 1



Clarksburg Land Association

Tributary to Little Seneca Creek
Clarksburg
Montgomery County
Maryland

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